

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF
MISSISSIPPI ABERDEEN DIVISION

MEC, INC d/b/a THE PONY

PLAINTIFF

VERSUS

CAUSE NO. 1:16cv151-GHD-SAA

LOWNDES COUNTY BOARD OF SUPERVISORS;
LOWNDES COUNTY CHANCERY CLERK;
LOWNDES COUNTY;
and JOHN DOES 1-10

DEFENDANTS

COMPLAINT
(TRIAL BY JURY REQUESTED)

COMES NOW, Plaintiff MEC, INC d/b/a THE PONY, by and through
counsel, files this Complaint against the above named Defendants and would state
as follows:

I. JURISDICTION AND VENUE

1. This court has jurisdiction over the subject matter of this action, and
venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to plaintiff's
claims allegedly occurred in Columbus, Mississippi, which is located within this judicial district.

2. The causes of action alleged herein arise from factual allegations
occurring in Lowndes County

II. PARTIES

1. Plaintiff MEC, INC d/b/a THE PONY is a business located in Lowndes
County, Mississippi.

2. Defendant Lowndes County Board of Supervisors is the head of
government for Lowndes County and may be served with process on its president,
Harry Sanders, 1121 Main Street, Columbus, MS 39701.

3. Upon information and belief, the Defendant, Lowndes County, is a county and local government in Mississippi and may be served with process on the Chancery Clerk.

4. Upon information and belief, the Defendant, Lowndes County Chancery Clerk, is a clerk of record for Lowndes County, Mississippi located in Columbus, Mississippi and may be served with process on the Chancery Clerk, Lisa Younger Neese, whose address is 505 2nd Avenue North, Columbus, Mississippi 39701.

5. Defendant John Does 1-10 are persons or entities whose identities are unknown at this time, but when those parties' true identities is discovered, the pleadings will be amended by substituting their true names and giving proper notice to these parties pursuant to M.R.C.P. 9. These Defendants consist of other employees or agents of the Lowndes County or other individuals, whether singular or plural, or who use of excessive force caused, or violated constitutional rights contributed to cause the Plaintiffs injuries and damages.

III. FACTS

6. On or about a August 15, 2013, Lowndes County Mississippi in affect unlawfully took away the property and business of MEC, INC d/b/a THE PONY (hereafter "the Pony") by changing the hours of operation. The Pony's business hours allowed it to operate and make a profit after alcohol was not served. The changing of the business hours negatively affected the Pony's business and other

legally prevented them operating the business as previously allowed. This unlawful to away their property interest in the business and the income it was generating.

7. Each of the Defendants, individually, and in concert with the others, acted under color of law in his/their official capacity, to deprive the Plaintiff of his right to earn a living and property rights under the US Constitution and Mississippi Constitution without compensation. Additionally, Defendants have violated the due process rights of the Plaintiff, both procedurally and substantively, by their conduct.

8. As a direct and proximate result of the intentional and/or negligent acts of Defendants, Plaintiff has large revenue losses and property damages that amount to a taking of property rights by the Defendants.

9. Plaintiff is entitled to compensation for the harm Defendants inflicted upon him.

10. Plaintiff is entitled to punitive damages for the restrictive business hours which led to profit decreases.

PRAYERS FOR RELIEF

WHEREFORE, the above premises considered, Plaintiff demands:

1. That process issue to the Defendants and that they be required to answer in the time allowed by law.

2. That judgment be rendered in favor of the Plaintiff and against the Defendants on all causes of action asserted herein.

3. That Plaintiff be awarded those damages to which it may appear they are entitled by the proof submitted in this cause for his loss of income, both past and future and the loss of property value in the business that it owns.

4. That Plaintiff be awarded punitive damages against the Defendants.

5. That Plaintiff be awarded reasonable expenses incurred in this litigation, including reasonable attorney and expert fees.

6. That the Plaintiff receive any other further and general relief to which it may appear they are entitled.

7. A jury for the trial of this matter.

DATED: August 15, 2016.

Respectfully submitted,

MEC, INC d/b/a THE PONY

By: /s/ Jeffrey J. Hosford

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